

REMARKS

Claims 1 – 7, 9 and 10 are pending in the present Application. Claims 1-5 and 10 have been cancelled, Claims 6, 7 and 9 have been amended, leaving Claims 6, 7 and 9 for consideration upon entry of the present Amendment.

Support for the amendment to claim 6 can be found in the Specification on page 5, lines 13-16.

Claims 7 and 9 have been amended merely to change their dependency.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Objections

The abstract of the disclosure stands objected to. The abstract is amended herein.

The application stands objected to for failure to recite a priority statement. The application has been amended to include a priority statement.

Claim 6 stands objected to for failure to include a compete formula V. Formula V had been deleted, obviating the rejection.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1 – 5, 7, 9, and 10 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for the compounds of formula (II), (III), (IV) and (V) as set forth on page 11 of the specification, does not reasonably provide enablement for macrolides in general. The specification does not enable any person skilled in the art to which it pertains, or with which it is mostly nearly connected, to make and/or use the invention commensurate in scope with these claims.

Claims 1-5, and 10 have been cancelled, and claims 7 and 9 have been amended to depend from claim 6, thus obviating the rejection.

Claim 6 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failingto comply with the enablement requirement for the recitation of aryl and heteroaryl. Claim 6 has been amended to include “wherein aryl groups have 5 to 10 ring atoms, and heteroaryl groups

have 5 to 10 ring atoms including C and at least one of N, O or S.”

Reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1 – 5, 7 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been cancelled, thus obviating the rejection.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 7, and 9 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by International Publication No. WO 98/51695. Applicants respectfully traverse this rejection.

To anticipate a claim, a reference must disclose each and every element of the claim.

Lewmar Marine v. Varient Inc., 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Claim 1 has been cancelled and claims 7 and 9 have been amended to depend from claim 6, thus obviating the rejection.

Reconsideration and withdrawal of this rejection are respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: December 17, 2008
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